

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:03KD-044
KAUAI

Amend Prior Board Action of March 14, 2003 (D-9), After-the-Fact Grant of Perpetual, Non-Exclusive Easement to Kauai Island Utility Cooperative and Verizon Hawaii Inc. for Utility Purposes, Wailua, Kauai, Tax Map Key: (4) 3-9-2:portion 34

BACKGROUND:

The Land Board at its March 14, 2003 meeting, under agenda item D-9, approved staff's recommendation to authorize the issuance of a perpetual, non-exclusive easement to Kauai Island Utility Cooperative (KIUC) and Verizon Hawaii Inc. In 1999 the County of Kauai completed the Lydgate Park Master Plan covering County and State lands. The Master Plan was to provide shoreline access for beach use, picnic and day use areas, and a bicycle/pedestrian trail. Electrical power and telephone service was needed for the new comfort station. Furthermore, the County requested the Land Board approve the consideration for the easement to be gratis because the easement was necessary for the County's new comfort station at Lydgate Park.

The State lands are encumbered by Governor's Executive Order No. 3945 to the County of Kauai for park and recreational purposes.

At this time staff has not completed the easement document. The utility companies were contacted. Apparently, our document had been misplaced.

REMARKS:

Hawaiian Telcom (the successor to Verizon Hawaii Inc.) has notified us they do not require the easement document from the State. Therefore, staff is recommending Verizon Hawaii Inc. be deleted from the easement. KIUC still requires the easement from the State.

RECOMMENDATION:

That the Board amend its prior action of March 14, 2003, under agenda Item D-9, by:

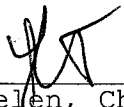
1. Delete any reference to Verizon Hawaii Inc.
2. All terms and conditions listed in its March 14, 2003 approval to remain the same.

Respectfully Submitted,



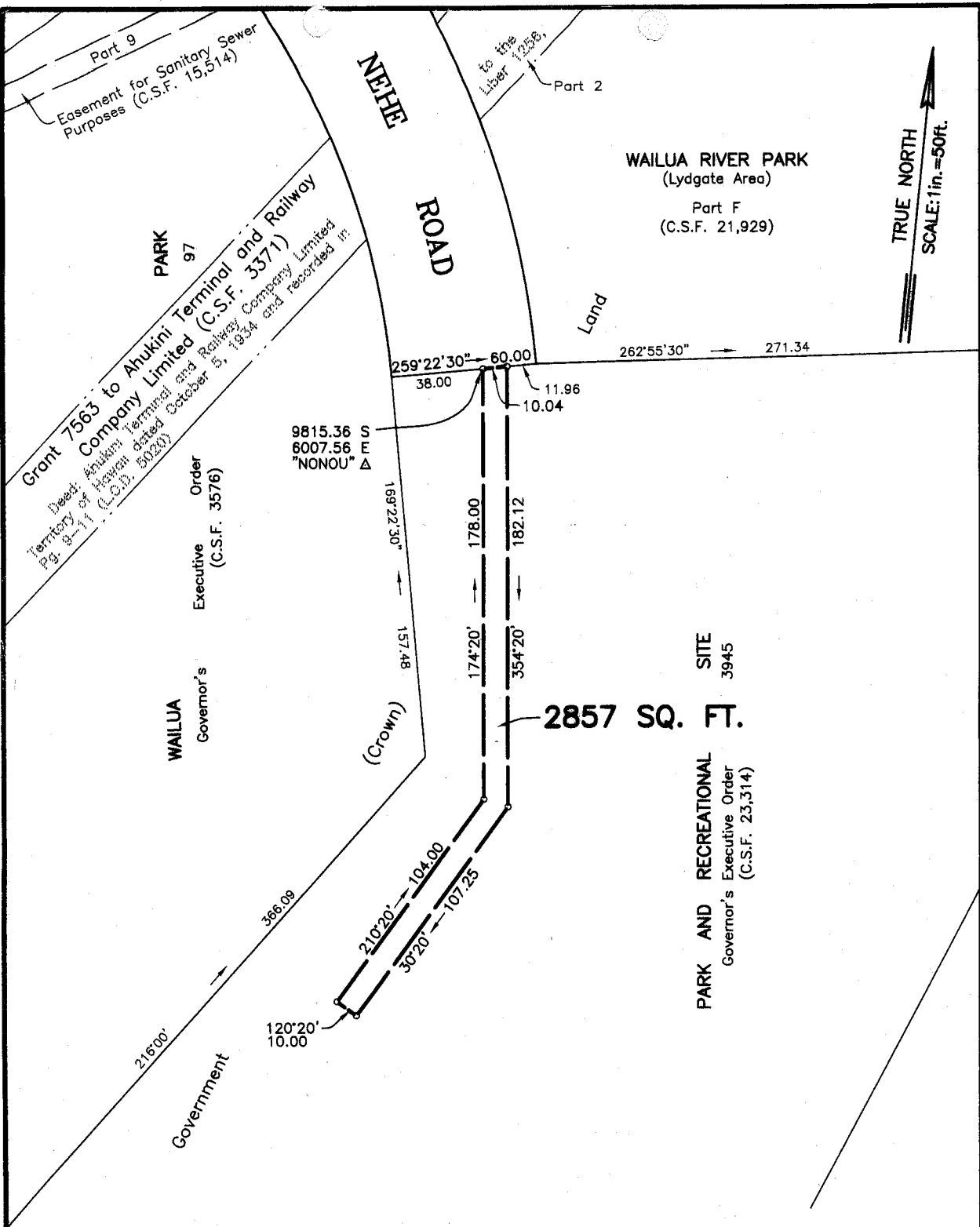
Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





**PERPETUAL NON-EXCLUSIVE
EASEMENT FOR UTILITY PURPOSES**

Wailua, Lihue, Kauai, HAWAII

JOB K-84(03)
C. BK.

Scale: 1 inch = 50 feet

TAX MAP 3-9-02: Por. 34

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C.S.F. NO. 23,517

JGL April 21, 2003

EXHIBIT "A"